



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,153	04/24/2000	Charles C. Brackett	15UL-5584	7268

23566 7590 10/08/2002

OSTRAGER CHONG & FLAHERTY LLP
825 THIRD AVE
30TH FLOOR
NEW YORK, NY 10022-7519

EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,153

Applicant(s)

BRACKETT, CHARLES C.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Art Unit: 3626

DETAILED ACTION

Notice to Applicant

1. *This communication is in response to the application filed 24 April 2000.*

Claims 1-18 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teshima (6,272,470) in view of Roewer (5,734,915).

(A) As per claim 1, Teshima discloses an imaging system comprising:

a networking port for communicating with a remote device on a network (Col.6,lines 49-67; Col.7, line 17);

an operator interface for inputting operating instructions(Col.5, lines 1-34);

a display screen (Col.7, lines 24-27);

an exam description list manager programmed to manage a list of exam descriptions based on operating instructions received via said operator interface and then control said display screen to display said stored list of exam descriptions (Col.13,lines 48-67 to Col.14, line 59);

memory storing acquired frames of image data in respective image files and storing said list of exam descriptions (Col.4, lines 56-65);

an object constructing task for constructing a data object comprising a frame of image data from one of **said image** files and an associated exam description (Col.13, lines 48-67 to Col.14, line 59);

means for selecting said associated exam description from said list (Col.8, lines 55-65); and

a network manager for transferring said data object from said object constructing task to said networking port destined for said remote device (Col.8, lines 16-27).

Teshima does not explicitly disclose an image acquisition subsystem for acquiring frames of image data. However, this feature is known in the art, as evidenced by Roewer. In particular, Roewer teaches an image

acquisition subsystem for acquiring frames of image data (See Roewer Col.11, lines 45-54; Col.17, lines 8-52).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Roewer within the system of Teshima with the motivation of providing hospital technologists, radiologists, attending or consulting physicians typically focus on the tasks of accessing, viewing, displaying, and printing medical imagery. Operators select a patient's images to compose and study for medical diagnosis. Operators select imagery and may choose to print, store or edit and annotate the imagery. Thus a simple and fast interface is needed to help increase speed, provide for an efficient work flow, and facilitate use by the non-computer literate operators (See Roewer Col.4, lines 20-30).

(B) As per claim 2, Roewer discloses the system wherein said exam description list manager is further programmed to insert a new exam description in alphabetical order in said list in response to entry of said new exam description in an Edit field on said display screen and activation of a virtual Add button on said display screen (Col.12, lines 52-67 to Col.13, line 33).

Art Unit: 3626

(C) As per claim 3, Roewer discloses the system wherein said exam description list manager is further programmed to delete an exam description in said list in response to entry of said exam description in an Edit field on said display screen and activation of a virtual Delete button on said display screen (See Roewer Col.40, lines 40-67).

(D) As per claim 4, Roewer discloses the system wherein said exam description list manager is further programmed to delete all exam descriptions in said list in response **to activation** of a virtual Delete All button on said display screen (Col.10, lines 1-57).

(E) As per claim 5, Teshima discloses an imaging system comprising:

an operator interface for inputting operating instructions (Col.5, lines 1-34);

a display screen (Col.7, lines 24-27);

memory storing said list of exam descriptions (Col.4, lines 56-65).

Teshima does not explicitly disclose means for controlling said display screen to display a user-interactive menu comprising a multiplicity of aligned fields for displaying a list of exam descriptions, one exam description per field, an edit field for entry of an exam description via

Art Unit: 3626

said operator interface, and a virtual button activatable via said operator interface for initiating a list edit function;

means for editing said list of exam descriptions based on said entry in said edit field and in accordance with said list edit function in response to activation of said virtual button.

However, this feature is known in the art, as evidenced by Roewer. In particular, Roewer teaches controlling said display screen to display a user-interactive menu comprising a multiplicity of aligned fields for displaying a list of exam descriptions, one exam description per field, an edit field for entry of an exam description via said operator interface, and a virtual button activatable via said operator interface for initiating a list edit function (Col.5, lines 48-60; Col.12, lines 11-45-67; Col.12, line 67);

means for editing said list of exam descriptions based on said entry in said edit field and in accordance with said list edit function in response to activation of said virtual button (Col.12, lines 57-67 to Col.13, line 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Roewer within the system of Teshima with the motivation of providing hospital technologists, radiologists, attending or consulting physicians typically focus on the tasks of accessing, viewing, displaying, and printing medical imagery. Operators select a patient's images to compose and study for medical diagnosis. Operators select imagery

Art Unit: 3626

and may choose to print, store or edit and annotate the imagery. Thus a simple and fast interface is needed to help increase speed, provide for an efficient work flow, and facilitate use by the non-computer-literate operators (See Roewer Col.4, lines 20-30).

(F) As per claim 6, Roewer discloses the system wherein said list of exam descriptions comprises a linked list of alphabetically ordered elements (Col.12, lines 57-64).

(G) As per claim 7, Roewer discloses the system wherein said edit list function comprises entry addition, and said list editing means comprise means for inserting said edit field entry in alphabetical order in said list (Col.12, lines 57-67).

(H) As per claim 8, Roewer discloses the system wherein said edit list function comprises entry deletion, and said list editing means comprise means for deleting said edit field entry from said list (Col.9, lines 18-29).

(I) As per claim 9, Roewer discloses the system wherein said edit list function comprises deletion of all list entries, and said list editing means comprise means for deleting all entries in said list (Col.11, lines 1-23).

(J) As per claim 10, Teshima discloses the system further comprising:

a networking port for communicating with a remote device on a network
(Col.6,lines 49-67; Col.7, line 17);

memory storing acquired frames of image data in respective image
files(Col.4, lines 56-65);

an object constructing task for constructing a data object comprising a
frame of image data from one of said image files and an associated
exam description selected from said list displayed on said user-
interactive menu via said operator interface (Col.13,lines 48-67 to
Col.14, line 59); and

a network manager for transferring said data object from said object
constructing task to said **networking port** destined for said remote
device (Col.8,lines 16-27).

Teshima does not explicitly disclose an image acquisition subsystem
for acquiring frames of image data. However, this feature is known in the
art, as evidenced by Roewer. In particular, Roewer teaches an image
acquisition subsystem for acquiring frames of image data (See Roewer
Fig.10, Fig.12A, Fig.12B; Col.11,lines 45-54; Col.17,lines 8-52).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Roewer within the system of Teshima with the motivation of providing hospital technologists, radiologists, attending or consulting physicians) typically focus on the tasks of accessing, viewing, displaying, and printing medical imagery. Operators select a patient's images to compose and study for medical diagnosis. Operators select imagery and may choose to print, store or edit and annotate the imagery. Thus a simple and fast interface is needed to help increase speed, provide for an efficient work flow, and facilitate use by the non-computer-literate operators (See Roewer Col.4, lines 20-30).

(K) As per claim 11, Teshima discloses an imaging system comprising:

an operator interface for inputting operating instructions (Col.7, lines 18-67);

a display screen (Col.7, lines 24-27);

computer memory (Col.7, lines 35-43); and

a computer programmed to perform the following steps (Col.7, lines 18-43):

Art Unit: 3626

(c) storing said list of exam descriptions in said memory (Col.8, lines 35-65).

Teshima does not explicitly disclose:

(a) controlling said display screen to display a user-interactive menu comprising a multiplicity of aligned fields for displaying a list of exam descriptions, one exam description per field, an edit field for entry of an exam description via said operator interface, and a virtual button activatable via said operator interface for initiating a list edit function;

(b) editing said list of exam descriptions based on said entry in said edit field and in accordance with said list edit function in response to activation of said virtual button.

However, these features are known in the art, as evidenced by Roewer. In particular, Roewer teaches controlling said display screen to display a user-interactive menu comprising a multiplicity of aligned fields for displaying a list of exam descriptions, one exam description per field, an edit field for entry of an exam description via said operator interface, and a virtual button activatable via said operator interface for initiating a list edit function (Col.5, lines 48-60; Col.12, lines 11-45-67; Col.12, line 67);

Art Unit: 3626

(b) editing said list of exam descriptions based on said entry in said edit field and in accordance with said list edit function in response to activation of said virtual button (Col.12,lines 57-67 toCol.13,line 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Roewer within the system of Teshima with the motivation pf providing hospital technologists, radiologists, attending or consulting physicians) typically focus on the tasks of accessing, viewing, displaying, and printing medical imagery. Operators select a patient's images to compose and study for medical diagnosis. Operators select imagery and may choose to print, store or edit and annotate the imagery. Thus a simple and fast interface is needed to help increase speed, provide for an efficient work flow,and facilitate use by the non-computer literate operators (See Roewer Col.4, lines 20-30).

(L) As per claim 12, Roewer discloses the system wherein said list of exam descriptions comprises a linked list of alphabetically ordered elements (Col.12, lines 57-67).

(M) As per claim 13, Roewer discloses the system wherein said edit list function comprises entry addition, and said editing step comprises the step of

Art Unit: 3626

inserting said edit field entry in alphabetical order (Col.12, lines 57-67 to Col.13, line 33; Col.40, lines 40-67).

(N) As per claim 14, Roewer discloses the system wherein said edit list function comprises entry deletion, and said editing step comprises the step of deleting said edit field entry from said list (Col.13, lines 8-17; Col.40, lines 40-67).

(O) As per claim 15, Roewer discloses the system wherein said edit list function comprises deletion of all list entries, and said editing step comprises the step of deleting all entries in said list (The Examiner interprets remove imagery from a frame or transfer the image to another frame as a form of deletion of all list entries, and said editing step comprises the step of deleting all entries in said list (Col.12, lines 1-23)).

(P) As per claim 16, Teshima the system further comprising a networking port for communicating with a remote device on a network, wherein said computer is further programmed with (Col.6, lines 49-67; Col.7, line 17):

an object constructing task for constructing a data object comprising an acquired frame of image data and an associated exam description

selected from said list displayed on said user-interactive menu via said operator interface (Col.13, lines 48-67 to Col.14,line 59); and

a network manager for transferring said data object from said object constructing task to said networking port destined for said remote device (Col.8,lines 16-27). Teshima does not disclose an image acquisition subsystem for acquiring frames of image data.

However, this feature is known in the art, as evidenced by Roewer. In particular, Roewer teaches an image acquisition subsystem for acquiring frames of image data ((See Roewer Fig.10, Fig.12A, Fig.12B; Col.11, lines 45-54; Col.17, lines 8-52).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Roewer within the system of Teshima with the motivation of providing hospital technologists, radiologists, attending or consulting physicians typically focus on the tasks of accessing, viewing, displaying, and printing medical imagery. Operators select a patient's images to compose and study for medical diagnosis. Operators select imagery and may choose to print, store or edit and annotate the imagery. Thus a simple and fast interface is needed to help increase speed, provide for an efficient work flow, and facilitate use by the non-computer-literate operators (See Roewer Col.4, lines 20-30).

(Q) As per claim 17, Teshima discloses an imaging system comprising:

an operator interface for inputting operating instructions (Col.7, lines 18-67);

a display screen(Col.7,lines 24-27);

memory storing said list of exam descriptions (Col.8, lines 35-65).

Teshima does not explicitly disclose an exam description list manager programmed to manage a list of exam descriptions based on operating instructions received via said operator interface and then **control said** display screen to display said stored list of exam descriptions.

However, this feature is known in the art, as evidenced by Roewer. In particular, Roewer teaches an exam description list manager programmed to manage a list of exam descriptions based on operating instructions received via said operator interface and then **control said** display screen to display said stored list of exam descriptions (Col.12, lines 16-63;Col.20,lines 1-67 to Col.21,line 35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Roewer within the system of Teshima with the motivation of providing hospital technologists, radiologists, attending or consulting physicians typically

Art Unit: 3626

focus on the tasks of accessing, viewing, displaying, and printing medical imagery. Operators select a patient's images to compose and study for medical diagnosis. Operators select imagery and may choose to print, store or edit and annotate the imagery. Thus a simple and fast interface is needed to help increase speed, provide for an efficient work flow, and facilitate use by the non-computer-literate operators (See Roewer Col.4, lines 20-30).

(R) As per claim 18, Roewer discloses the system wherein **said** exam description list manager is further programmed to insert a new exam description in alphabetical order in said list in response to entry of said new exam description in an Edit field on said display screen and activation of a virtual Add button on said display screen (Col.12, lines 57-67).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches an electronic medical records system (5,924,074), peripheral ultrasound imaging system (6,440,071) and computer-based medical image distribution system and method (6,260,021).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on 6:00am-5:00pm.

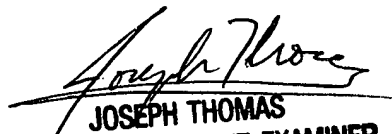
Art Unit: 3626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

V.F
V.F

October 1, 2002


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600